

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
) Case No. 12-00374-01-CR-W-HFS
v.)
)
QUINCY L. JACKSON)
)
Defendant.)

ORDER

A motion to suppress is pending, challenging a search warrant issued for search of defendant's airplane. A report and recommendation (Doc. 54) urges denial of the motion. For reasons stated by Judge Larsen, and after review of the record, the motion will be denied.

An open issue is whether defendant's detention without a warrant for arrest was excessively long. Assuming defendant may have a valid contention on that issue, it would seem to follow that, if freed, defendant could have departed in the airplane before the search warrant was issued. But it would seem to follow that, if he were free to leave, exigent circumstances might have allowed a search without a warrant. If so, the detention preserved defendant's rights. The matter has not been briefed, and is noted without further comment.

The objections to the magistrate's report (Doc. 63) is not supported by citations and is not adequately persuasive.

The report and recommendation are therefore ADOPTED and the motion to suppress (Doc. 37) is hereby DENIED.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

April 16, 2014

Kansas City, Missouri